RECENT CASES.

BANKRUPTCY—EFFECT OF DISCHARGE—JUDGMENT FOR DAMAGES FOR CRIMINAL CONVERSATION.—TINKER v. COLWELL, 24 SUP. CT. 505. *Held*, that a judgment for damages for criminal conversation is one recovered in an action "for willful and malicious injuries to the person or property of another" within the meaning of the Bankruptcy Act, (30 Stat. at L. 550), par. 17, subd. 2, excepting judgments recovered in such actions from the operation of a discharge in bankruptcy. Brown, White, and Holmes, JJ., *dissenting*.

It is by a very just, and well written, liberal interpretation of the statute that this decision is maintained. If interpreted according to strict logic, the statute might have caused this decision to have gone the other way. For criminal conversation can hardly be said to be malicious toward the husband, unless malice be specifically proved. *Livergood v. Greer*, 43 Ill. 213; *Anderson v. Howe*, 116 N. Y. 342; *Com. v. Williams*, 110 Mass. 401. Nor can it be said to be an injury either to his person; *Ryall v. Kennedy*, 52 How. Prac. 517; or to his property. In Re Haensell, 91 Fed. 355.

BANKRUPTCY—FRAUDULENT CONVEYANCE—SUIT TO SET ASIDE.—BEASLEY v. COGGINS, 12 A. B. R. 355.—This was a suit brought by a trustee in bankruptcy to set aside a conveyance made by the bankrupt. No creditor had reduced a claim to judgment. *Held*, that a trustee in bankruptcy may file a bill in equity to set aside a fraudulent conveyance of real estate though neither he nor any creditor has reduced a claim against the bankrupt to judgment.

A creditor must reduce his claim to judgment or exhaust his legal remedies before he can maintain a bill in equity to set aside a fraudulent conveyance of his debtor. *Ellis v. S. W. L. Co.*, 108 Wis. 313; *Case v. Beauregard*, 101 U. S. 690; *Shellington v. Howland*, 53 N. Y. 371. The right of action to recover property fraudulently conveyed prior to adjudication is exclusively in the trustee. *Glenny v. Langdon*, 98 U. S. 20; *Trimble v. Woodhead*, 102 U. S. 647; *Pratt v. Curtis*, 6 N. B. R. 139. If a trustee could not attack a fraudulent conveyance which creditors are not permitted to attack the act would be a device to permit a fraudulent conveyance to take effect, provided it might be concealed for the specified four months. *In re Gray*, 3 A. B. R. 647; *In re Leland*, 10 Blatchf. 647. The Bankruptcy Act vested the trustee with the title of all the property fraudulently conveyed by the bankrupt and he acquires his right of action through the Act and not through what may have been done by the creditors. *In re Tollett*, 105 Fed. 425; *In re Duncan*, 14 N. B. R. 33; Section 70-A, *Bankruptcy Act*. The late case of *Sheldon v. Parker*, 11 A. B. R. 169 is directly in point on this question and holds that the law under which the trustee is appointed authorizes him to bring and maintain actions of this character. *Mueller v. Bruss*, 112 Wis. 406; *Hood v. Bank*, 91 N. W. 701.

BANKRUPTCY—JURISDICTION—ADVERSE CLAIM—CONSENT.—IN RE ADAMS, 12 A. B. R. 367.—*Held*, that the merits of a claim to property received from the bankrupt before the filing of his petition as a part payment of a debt and